



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/586,504

02/26/2007

Claude Daloz

5284-74PUS

4240

7590

09/19/2011

Thomas Langer  
Cohen, Pontani, Lieberman & Pavane LLP  
551 Fifth Avenue, Suite 1210  
New York, NY 10176

EXAMINER

ELLIOTT IV, BENJAMIN H

ART UNIT

PAPER NUMBER

2474

MAIL DATE

DELIVERY MODE

09/19/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Continuation of PTOL-303***

1. Applicant argues United States Patent 6,631,416 B2 to Bendinelli et al. fails to disclose “transmitting information, by the mediation system, to the control server relating to the configuration of the mediation system in the private network” (Remarks, page 13). Examiner respectfully disagrees. Bendinelli clearly recites the exchange of configuration information at least in the portions recited in the final Office action dated 2/15/2011, and for further clarity, also in Col. 16, lines 4-39, Figure 3 and corresponding description in Col. 17, lines 36-49. The originally-filed disclosure supplies the very broad definition of “configuration information” described as a (an) “IP address, subnetwork mask, etc.” (PGPub 2007/0258470 A1 [0024]) without offering any further definition of what the mediation system itself *is*.

2. Applicant argues Bendinelli fails to disclose “performing an operation, by the control server, on the mediation system via the communications tunnel established through the network boundary equipment” (Remarks, page 14). Examiner respectfully disagrees. Examiner argues the term “operation” is given its broadest reasonable interpretation read in light of the specification to read on any manner of function as it may relate to the mediation system, or, as related to Bendinelli, a gateway located behind a firewall. As recited in the final Office action, page 4, Examiner corresponds the control server of the pending embodiments recited in claims 7 and 15 to the network operations center comprising any and all components as they may relate to the network operations center. As such, a proxy module, located at the network operations center, is

Art Unit: 2474

operative to supply a tunnel through the firewalls of both first and second gateways in order to set a TCP connection. This is sufficient to show an “operation” being performed by a server.

3. Applicant argues the rationale by which United States Patent Application Publication 2003/0131258 A1 to Kadri et al. (hereinafter “Kadri”) is flawed (Remarks, pages 14-16). Examiner respectfully disagrees. In response to applicant’s argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). The Examiner further recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969. In this

Art Unit: 2474

case, both Kadri and Bendinelli are analogous to the field of bypassing firewalls in order to set-up communications between private and public networks.

/B. H. E./

Examiner, Art Unit 2474

/AUNG S. MOE/

Supervisory Patent Examiner, Art Unit 2474